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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING Docket Humber (Optional) 1442.004C REJECTION OVER A "PRIOR" PATENT In re-Application of: BRENNAN et al. Application No.: 10/700,284 Filod: November 3, 2003 Flow Control Device for Tub, Spa, or Shower For: The ewners, Saratoga Spa & Bath, Inc., of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory norm of any patent granted on the instant application which would arrive beyond the experience date of the full statutory term prior patent No. 6,675.404 as the term of said prior patent is defined in 35 U.S.C. 154 and 179, and as the term of said prior patent is presently shortened by any terminal disclaimer. The ewner hereby agrees that any patent so granted on the instant application shall be enforceable only for and curing such period that it and the prior patent are commonly expect. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disdaim the terminal part of the term of any potent granted on the inclant application that would extend to the expiration date of the full statingry term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patient is prosontly sharraned by any terminal disclaimor," In the event that said prior patent later: expires for failure to pay a maintenance too. la hoki unonforcaable, is found invalid by a court of compotent jurisdiction, is statutority disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination corulicate; is roissoud, or 🗈 in any manner forminated prior to the expiration of its full statutory form as presently shortened by any forminal disclaimer Check either box it or 2 below, if appropriate, 1. For submissions on bottell of a business/organization (e.g., corporation, partnership, university, government agency, ote.), the undersigned is empewered to set on behalf of the business/organization. I horoby declare that all statements made herein or my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statuments were made with the knowledge that willful talso statements and the like so made are punishable by fine or impresenment, or both, under Section 1001 of Title 18 of the United States Code and that such willful talse statements may Jeopardize the validity of the application or any patent issued thereon. 2. X The undersigned is an attorney or agent of record. Reg. No. 44,589 March 9, 2005 VICTOR A. CARDONA Typed or printed nurno (518) 452-5600 Telephone Number [X] Terminal disclaimer tee under 37 CFR 1.20(d) included WARNING: Information on this form may become public. Credit earl information should not be included on this form. Provide credit card information and authorization on PTO-2038. "Statement, under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assigned (owner). Form PTO/SR/96 may be used for making this conflication. See MPEP  $\frac{7}{5}$  324. The collection of unormandule restituted by a CER 1 and. The informandule received to obtain a releasing by the public valid in to the Gard by the Del 4 C This constraint is naturalised by CTR 1.9.1. The information is respect to option of received to proceed by the product of the (and by the complete) in application. Confidentially to provide a polyment of the CTR 1.11 and 1.14. This collection is estimated to take 12 majors to complete, including pathology preparing and situation) the complete application form to the CSTTC. Time will very depending upon the indexted described application form to the CSTTC. Time will very depending upon the indexted described in the barrier of the Confidential of the complete the complete and suggestions for research this barrier to the Cline that indicate the Confidential of Con

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Linux Pro Paparasis Restudion Act of their indipersons are required to respond to a sollection of inframistion unless indiplays a valid OMB control number TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING Docket Number (Optional) 1442.004C **REJECTION OVER A "PRIOR" PATENT** In re Application et: BRENNAN et al. Application No.1 10/700,284 Filod: November 3, 2003 Flow Control Device for Tub, Spa, or Shower For. The owner, Saratoga Spa & Bath, Inc. or 100% percent interest in the instant application hereby disclaims, except as provided below, the forminal part of the statutery term of any parent granted on the instant application which would extend beyond the expiration date of the full statutery term prior patient No. 6.662,384 and 170, and as the term of said prior patient is presently shericined by any forminal disclaimer. The owner hereby agrees that any patient so The ewner, Saratoga Spa & Bath, Inc. gramed on the instant application shall be enterceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any putent granted on the instant application and is building upon the grantee, its successors or assigns. In making the above disclaimer, the ewner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shemaned by any terminal disdormer," in the event that said prior patent later: expires for failure to pay a maintenance too; is held unonforceable, is found invalid by a court of component jurisdiction, is studied invalid by a court of component jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all daims concoled by a reexemination conflicute. la rolasuad: or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either bex 1 or 2 below, if appropriate 1. For aubmissions on bulkell of a business/organization (e.g., corporation, partnership, university, government agency, ote.), the undersigned is empowered to act on behalf of the business/organization. I horopy declare that all statements made herein of my own knowledge are line and that all statements made on information and bolief are boligged to be true, and further that those statements were made with the knowledge that wilful talse statements and the like so mindo are punishable by fine or imprisenment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. 2. X The undersigned is an alterney or agent of record. Reg. No. 44.589 March 9, 2005 VICTOR A. CARDONA Typud or printed name (518) 452-5600 Telephone Number Torrillial disdairner too under 37 CFR 1,20(d) Included. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. "Statomorn, under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignoe (awner). Form FTO/SB/96 may be used for malding this conflicution. See MPEP § 324

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